

State Court Caseload Statistics, 2003

Supplement to Examining the Work of State Courts, 2003

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Responsibility for the information and the analysis reported in this document rests fully with the Court Statistics Project staff. The more general responsibility for developing the CSP products and promoting improvements to court statistics is shared with the National Center for State Courts' management and the COSCA Court Statistics Committee.

Preface

The Court Statistics Project makes information available in three distinct formats that we believe best serve the needs of the project's constituents. *State Court Caseload Statistics, 2003* is designed to provide specific information about particular court systems. This volume offers all interested parties high-quality, baseline information on state court structure, jurisdiction, reporting practices, and caseload volume and trends. The information assembled in this product will be especially helpful to people interested in doing their own cross-state comparisons or in examining the implications of caseload volume on the work and resource needs of specific state courts. For those wishing to brush up on the uses of these data, the Introduction provides an overview of applications, ingredients, and interpretation of state court caseload statistics. This information is also available through the Inter-University Consortium or to anyone who requests a copy of the publication from the Court Statistics Project.

A second publication, *Examining the Work of State Courts, 2003*, provides a readable overview, with easy-to-understand graphics and tables, of current state court activity and trends. The goal of this work is to provide a comprehensive yet nontechnical presentation of the demands currently being placed on state courts and the evolution of caseloads over time. Judges, policymakers, and practitioners will find this document useful for a range of planning and research needs, as well as for gaining a greater appreciation for the business of state courts.

Finally, the *State Court Organization* series provides an exhaustive compilation of information on state court structure and operations. The latest volume, the fourth in the series, complements, and extends the information on court jurisdiction and reporting practices provided here. The newest edition covers most of the topics included in the 1993 edition, but also covers new topics as well. Notable additions are tables on court automation, specialized courts, the administrative authority of presiding trial court judges, and the processing of domestic violence cases. A table of contents for *State Court Organization, 1998* is reprinted at the back of this volume.

Introduction

Using State Court Caseload Statistics

This introduction provides an overview of the uses, ingredients, and interpretation of state court caseload statistics. This examination is offered at a time of significant improvements in the quality of court statistics in general and in the comparability of those statistics across the states in particular. To help realize the potential of caseload statistics, this document considers three main questions: Why are caseload statistics useful? What are their ingredients? How can they address practical problems?

This is not a “technical” document. Although it is assumed that the reader has an interest in what courts are doing, there is no expectation of statistical expertise. Moreover, virtually all courts and states currently possess the information required to use caseload statistics. A count of the number of cases filed and disposed by month, quarter, or year is all that is needed to get started. Part of the message, however, is that with a small additional investment in effort, the potential exists to appreciably enhance a court’s capacity to identify and solve emerging problems and to present the case for the court system’s achievements and resource needs authoritatively.

Why Are Caseload Statistics Useful?

Argued in abstract, caseload statistics are important because they are analogous to the financial information business firms use to organize their operations. Because a court case is the one common unit of measurement available to all court managers, caseload statistics are the single best way to describe what courts are doing currently and to predict what they will do.

The pragmatic justification for caseload statistics is more compelling. Few would argue that the state courts are currently funded at a generous level. State budget offices routinely cast a cold eye on requests for additional judgeships, court support staff, or court facilities. Because the executive and legislative branches of the government are sophisticated producers and consumers of statistics, comparable expertise is needed by the judicial branch. Skillfully deployed caseload statistics provide powerful evidence for justifying claims to needed resources.

In response to perceived difficulties in using caseload statistics, it must be noted that they are simply counts of court activity. They are not inherently complex or obscure. The day-to-day activities of most court systems can generate the basic information that translates into caseload statistics. No extraordinary effort is required.

Like other statistics, however, caseload statistics are susceptible to twists and turns that can mislead or distort. Those twists and turns become particularly troublesome when comparisons are made across courts in any one state or among states. Yet, valid comparisons are potentially powerful tools for managing a court system, for determining and justifying the need for additional resources, and for planning.

*For the rational study of the law the blackletter man may be the man of the present, but the man of the future is the man of statistics and the master of economics.*¹

¹ Oliver Wendell Holmes, Jr., "The Path of the Law," *Harvard Law Review* 10 (1897), 457, 469.

Frequent reference is made throughout this report to a model approach for collecting and using caseload information.² The Conference of State Court Administrators (COSCA) and the National Center for State Courts (NCSC) jointly developed that approach over the last 27 years. The key to the approach is comparison: comparison among states and comparison over time. The COSCA/NCSC approach makes comparison possible, although at times it highlights some aspects that remain problematic when building a comprehensive statistical profile of the work of state appellate and trial courts nationally.

What Are the Ingredients of Caseload Statistics?

Five types of information are required for efficient caseload statistics:

(1) counts of pending, filed, and disposed cases; (2) the method by which the count is taken (i.e., the unit of count that constitutes a case and the point at which the count is taken); (3) the composition of the counting categories (the specific types of cases that are included); (4) court structure and jurisdiction to decide cases; and (5) statistical adjustments that enhance the comparability and usefulness of case counts.

Counts are taken of the number of cases that are pending at the start of a reporting period, the number of cases filed during the period, the number of cases disposed during the period, and the number of cases left pending at the end of the period. Counts of caseloads are typically organized according to the major types of cases (civil, domestic relations, criminal, juvenile, traffic/other ordinance violations). However, there is still only limited uniformity among the states in the degree of detail or the specific case categories used despite the direction offered by the *State Court Guide to Statistical Reporting*.

Methods for taking counts vary. The greatest variation occurs in what, precisely, a court counts as a case. Some courts actually count the number of a particular kind of document, such as an indictment in a criminal case. There is also variation in the point in the litigation process when the count is taken. For example, some appellate courts count cases when the notice of appeal is filed, others when the trial court record is filed, and still others when both the trial record and briefs are filed with the court.

Composition refers to the construction of caseload reporting categories that contain similar types of cases for which counts are taken of pending, filed, or disposed cases. Once a standard is defined for the types of cases that belong in a category, it becomes possible to compare court caseloads. The standard adopted by the Court Statistics Project is defined in the *State Court Guide to Statistical Reporting*.

A count can be complete, meaning that it includes all of the types of cases in the definition; incomplete in that it omits some case types that should be included; overinclusive in that it includes some case types that should not be included; or both incomplete and overinclusive. For instance, the model approach treats an accusation of driving while intoxicated (DWI/DUI) as part of a court's criminal caseload. If a state includes such offenses with traffic cases rather than criminal cases, the criminal caseload statistics will be incomplete and the traffic caseload statistics will be overinclusive.

² The current status of that approach is elaborated in the *State Court Guide to Statistical Reporting, 2003*.

Court structure and jurisdiction to decide cases indicate whether a court includes all of the relevant cases for a given locality or state. Two or more courts in a jurisdiction may share the authority to decide a particular type of case. Thus, in many states, both a court of general jurisdiction and a court of limited jurisdiction may hear misdemeanor cases. Similarly, complaints in torts or contracts below a set maximum dollar amount can often be filed in either court.

In some courts, jurisdiction is restricted to specific proceedings. An example is a preliminary hearing in a lower court to determine whether a defendant should be bound over for trial in the court of general jurisdiction.

Information on court structure and jurisdiction is therefore essential to the use of any state's caseload statistics. Each state has established various levels and types of courts. The lack of uniformity in court structure and jurisdiction even extends to the names given to the courts of various levels. The supreme court in most states is the court of last resort, the appellate court with final jurisdiction over all appeals within the state. In New York, however, the title supreme court denotes the main general jurisdiction trial court. A knowledge of court structure and jurisdiction is necessary before one can determine whether like is being compared to like.

Adjustments help make counts of cases more interpretable. Case filings per 100,000 population provide a standard measure of caseload levels that adjusts for differences in population among the states. The number of case dispositions as a percentage of case filings in a given time period offers a clearance rate, a summary measure of whether a court or state is keeping up with its incoming caseload. The number of case filings or case dispositions per judge is a useful expression of the workload confronting a court.

Such simple adjustments transform counts of cases into comparable measures of court activity. It is also possible to make adjustments to counts of cases to estimate the impact of missing information or to make allowances for differences in methods of count used by state courts. Other calculations reveal important aspects of court activity. For example, the percentage of petitions granted by an appellate court indicates how many cases will be heard on the merits, which require briefing and oral arguments or other steps that create substantial demands on court time and resources.

How Should Caseload Statistics Be Used to Solve Problems?

Caseload statistics can form a response to certain types of problems that courts face. One set of problems relates to the volume of cases that a court must hear and to the composition of that caseload. Drug cases offer an example. Have drug filings risen more rapidly than other types of criminal cases? Are drug cases more likely to be disposed at trial than other felonies? Do they take longer to resolve in the trial court? How common is it for drug cases to be appealed? How does the trend in drug filings in one section of the country compare with trends in other regions?

A related set of problems revolves around the adequacy of court resources. How many cases are typically handled by a judge in the state courts? As caseloads continue to rise, have judicial resources kept pace? Is the provision of judicial support staff in one state adequate when compared to the staff in another state with comparable filings or dispositions per judge?

A third set of problems relates to the pace of litigation. Are more new cases being filed annually than the court is disposing during the year, thus increasing the size of the pending caseload? How long do cases take to be resolved in the trial court? In the appellate court? What proportion of cases are disposed of within the court's or American Bar Association's time standards?

The model approach developed by COSCA and the NCSC answers such questions. Virtually all states, as well as many individual trial courts, publish their caseload statistics in annual reports. Yet the diverse methods that states employ to collect information on caseloads restrict the usefulness of the resulting information. It may seem as if courts in one state use the mark, others the yen, and still others the dollar. This approach looks at how caseload information can be organized nationally to address problems facing state court systems and individual courts.

Comparability

The caseload statistics from each state are collated into a coherent, comprehensive summary of all state court activity and published annually by the Court Statistics Project. The report contains tables, charts, and figures that are often lengthy and crowded with symbols and explanatory matter. This does not negate the underlying simplicity or usefulness of caseload statistics as counts of court activity.

The available statistics reflect the varied responses individual trial courts and states have made to practical problems such as what constitutes a case, whether to count a reopened case as a new filing, and whether a preliminary hearing binding a defendant over to a court of general jurisdiction is a case or merely an event equivalent to a motion.

Comparability is a more substantial issue than completeness. Seven reporting categories are used by the Court Statistics Project. Appellate caseloads are divided into mandatory and discretionary cases. Trial court caseloads are divided into criminal, civil, domestic relations, juvenile, and traffic/other ordinance violation cases. Abbreviated definitions of these categories appear below.

APPELLATE COURT

mandatory case: appeals of right that the court must hear and decide on the merits

discretionary case: petitions requesting court review that, if granted, will result in the case being heard and decided on its merits

TRIAL COURT

civil case: requests for an enforcement or protection of a right or the redress or prevention of a wrong (specific types of cases include tort, contract, real property rights, small claims, mental health, estate, and civil appeals)

domestic relations: cases involving actions between family members (or others considered to be involved in a domestic relationship) such as adoption, divorce, custody, paternity, and support

criminal case: charges of a state law violation

juvenile petition: cases processed through the special procedures that a state established to handle matters relating to individuals defined as juvenile

traffic/other ordinance violation: charges that a traffic ordinance or city, town, or village ordinance was violated

These categories represent the lowest common denominator: what one can reasonably expect most states to provide.

The advent of automated information systems means that states increasingly collect more detailed information, distinguishing tort cases from other civil filings and personal injury cases from other tort filings. Similarly, some states distinguish between various types of felonies and misdemeanors within their criminal caseloads, including the separation of drug cases from others.

Another aspect of comparability is whether the caseload count from a particular court includes all the relevant cases for a given locality or state. In some states, one court may have complete jurisdiction over a particular type of case, while in others the jurisdiction is shared between two or more courts. For example, to get a complete count of discretionary filings at the appellate level, one may have to check the count only in the court of last resort (COLR) (states without an intermediate appellate court [IAC] or states where the IAC has only mandatory jurisdiction), or it may be necessary to examine both the COLR and the IAC (states that allocate discretionary jurisdiction to both the COLR and IAC). Therefore, when making comparisons with state court caseload statistics, one must have an awareness of the variation in court structure and jurisdiction.

The court structure charts summarize, in one-page diagrams, the key features of each state's court organization. The format meets two objectives: (1) it is comprehensive, indicating all court systems in the state and their interrelationship, and (2) it describes the jurisdiction of the court systems using a comparable set of terminology and symbols. The court structure charts employ the common terminology developed by the NCSC Court Statistics Project for reporting court statistics.

The charts identify all of the state courts in operation during the year and describe each court system's geographic and subject matter jurisdiction. The

charts also provide basic descriptive information, such as the number of authorized judicial posts and whether funding is primarily local or state. Routes of appeal are indicated by lines, with an arrow showing which court receives the appeal or petition.

Conclusion

Caseload statistics are less complex and more practical than often imagined. By following relatively simple steps, courts, state court administrative offices, trial court administrative offices, trial court administrators, and others can more effectively use the statistics that they currently produce. A useful point of reference when considering an upgrade to the quality and quantity of information currently being collected is the *State Court Guide to Statistical Reporting*.

The flexibility and power of automated record systems mean that the information compiled nationally to describe state court caseloads is becoming more comparable year by year. Caseload data available in the new millenium will be significantly more comparable across the states than what has been published in the past. Differences among states in the criminal and juvenile unit of count will continue to make comparisons tentative for those cases. Still, those differences do not affect comparisons of clearance rates or of trends.

What can be done to realize the potential that caseload statistics offer for planning and policymaking? There are three priorities. First, reliable statistics on the size of the active pending caseload are needed. Unless courts routinely review their records to identify inactive cases, an accurate picture of their backlogs is not possible. Second, information on the number of cases that reach key stages in the adjudication process would be an important addition. How many “trial notes of issue” are filed in civil cases? In what proportion of civil cases is no answer ever filed by the defendant? Third, revisions to court record systems should consider the feasibility of including information on the workload burden being imposed on the court through pretrial conferences, hearings, and trial settings.

Accurate and comprehensive statistics are ultimately important because they form part of the currency when public policy is debated and decided in a “fact-minded culture.” Those organizations and interests that master the statistics that describe their work and output are at an advantage in the competition for scarce public resources. The Court Statistics Project offers the state court community a resource for both examining itself and representing its case to the larger commonwealth.

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